

UNITED STATES BANKRUPTCY COURT - WDNY ROCHESTER DIVISION

COMMENCEMENT OF AN ADVERSARY PROCEEDING

The Court requires the following when a party is filing an adversary proceeding in this Court:

1. A complaint signed by the attorney or the debtor (if pro se). Only the original is required.
2. An Adversary Proceeding Cover Sheet (must have complete names & addresses of the Plaintiff and Defendant).
3. One Summons which the attorney prepares (names of the debtor, plaintiff and defendant; Bankruptcy Case No.; Address of the Clerk and the Name & Address of Plaintiff's Attorney).
4. A fee of \$150.00 (Note exceptions below).

Exceptions: If the complaint is being filed by a Chapter 7, 13 or 12 debtor, there is NO charge. If the complaint is being filed by a trustee as the Plaintiff, there is no fee at the time of filing, however, the fee will be paid from the estate to the extent that it is determined to be possible. Debtors-in-Possession who file an Adversary Proceeding are responsible for the appropriate filing fee. No fee is charged for amended complaints or third-party complaints.

Once the adversary proceeding has been processed, copies of the completed summons will be mailed back to the attorney along with a letter which explains proper service and what procedure should be followed if there is no answer by the defendant.